

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 787**

March 23, 2009

**SUMMARY OF BILL:** Expands eligible criteria for expungement of criminal record. Requires the Administrative Office of the Courts (AOC) to establish a uniform fee for expungement of such records in an amount not to exceed the amount necessary to defray the administrative cost.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue - \$48,000/AOC/Recurring**  
**Increase State Expenditures - \$48,000/AOC/Recurring**  
**\$4,900/TBI/One-Time**  
**\$71,200/TBI/Recurring**

**Increase Local Revenue - \$160,000/Recurring**  
**Increase Local Expenditures - \$160,000/Recurring\***

**Assumptions:**

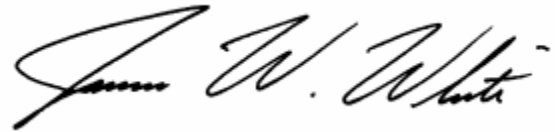
- According to the AOC, there has been an average of 2,000 criminal cases expunged in each of the past four years.
- Under Tenn. Code Ann. § 8-21-401, the clerk of the court shall charge \$100 for expungements. According to the County Officials Association of Tennessee, the current fee that the court receives for expungements will cover any increase in expenditures for local governments. Estimate assumes an increase in local revenue and expenditures of \$160,000 (\$100 fee x 1,600 additional expungement requests).
- The Tennessee Bureau of Investigation (TBI) estimates an increase in expungement requests of 1,600 as a result of this bill. TBI will require an additional law enforcement information coordinator to handle the increased workload. The one-time expenditures of \$4,915 include office equipment, computer, furniture, software, and other related equipment. The recurring expenditures of \$71,156 include salary and benefits (\$44,999), telephone service (\$3,600), rentals and insurance (\$9,203), travel (\$6,000) and other related professional services (\$7,354).
- The AOC will be required to expunge its records of each granted petition and will require an additional position to handle the increased workload.

The additional administrative cost for the AOC is estimated at \$48,000 and will be offset by the uniform fee. Estimate assumes the AOC will set a fee of \$30 (1,600 additional expungement requests x \$30 = \$48,000).

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc